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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,870	01/29/2001	Thomas Francis McGee III	US010016	7779

7590 02/13/2003

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EXAMINER

TO, BAOQUOC N

ART UNIT PAPER NUMBER

2172

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,870

Applicant(s)

MCGEE ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.                      6) ☐ Other: .

**DETAILED ACTION**

1. Claims 1-24 are presented for examination.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 01/29/2001 and 08/28/2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US. Patent No. 6,463,428) in view of Berger (US. Patent No. 6,400,408).

Regarding on claim 1, Lee teaches a method for searching for television programs comprising the step of:

identifying at least one key (search profile contains search keys) object in at least one Internet document (col. 9, lines 50-55);

sending said at least one key object to a search capable video recorder (col. 5, lines 9-14); and conducting a key object search with said search capable video recorder to locate at least one television program that contains said at least one key object (conducting the search before accessing the data) (col. 14, lines 15-20).

Lee teaches the method of searching using the user profile for the new television to program to watch or record (col. 1, lines 50-56). However, Lee does not explicitly teach the search capable video recorder. On the other hand, Berger teaches, "the computer 9 then forms a so-called server which is connected to the Internet and which stores current television program information FPI about television programs form a large number of television station in digital form. Television program information FPI stored in

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the computer 9 can be retrieved by the video recorder 1 via the data link 10 as an information signal I (col. 7, lines 29-36). This teaches the video recorder capable of retrieving television program. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Berger into Lee because utilizing the video recorder to search or retrieve would allow the video recorder to record the television without using any additional application to perform the tasks.

Regarding on claim 2, Lee teaches identifying a plurality of key objects in at least one Internet document (col. 14, lines 10-14);

placing said plurality of key objects in a list of key objects (col. 14, lines 54-67);  
sending said list of key object to said search capable video recorder (search engine); and

conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object is said list of key objects (searching in order to access records from the database) (col. 14, lines 15-20).

Lee does not explicitly teach the search capable video recorder. However, Berger teaches, "television program information FPI stored in the computer 9 can be retrieved by the video recorder 1 via the data link 10" (col. 7, lines 33-35). This teaches the video recorder to retrieve or search the television program from the computer 9 connecting to the Internet. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Berger into Lee because utilizing the video recorder to retrieve or search would allow the television program to be record and review by the user at a latter time.

Regarding on claim 3, Lee teaches increasing the number of said plurality of key objects in said list of key object by adding key objects to said list that are similar to said plurality of key objects in said list of key objects (col. 14, lines 54-65).

Regarding on claim 4, Lee teaches providing search results of said key object search to a viewer, said search results identifying at least one television program that contains at least one key object (col. 14, lines 10-14);

Selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 14, lines 15-35); and

Lee does not explicitly teach recording in said search capable video recorder said at least one television program selected by said viewer. However, Berger teaches, "the key pad 22 further comprises keys, represented here as a Show-View programming key 27, by means of which the recording means 13 can be program in accordance with the well-known Show-View programming method in order to record a television program that can be received at later instance (col. 8, lines 27-32). This teaches the television program is record at the later time. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of the Berger into Lee because by allowing the video recorder to record the television program so the user can view it at later time.

Regarding on claim 5, Lee teaches searching for video program and displaying the search results to the viewer; however, Lee does not explicitly teach receiving in said search capable video recorder search results of said key object search, said search results containing at least one television program that contains at least one key object; and recording in said search capable video recorder at least one of the television program identified in said search results. On the other hand, Berger teaches, "the computer 9 then forms a so-called server which is connected to the internet and which stored current television program information API stored on computer 9 can be retrieved by the video recorder 1 via the data link 10 as an information signal I (col. 7, lines 39-42). This teaches the video recorder is retrieved the television program from the computer 9 which is connected to the Internet. In addition, Berger also teaches, "the keypad 22 further comprises keys, represented here as a Show-View program key 27, by means of which the recording means 13 can be program method in order to record a television program that can be received at a later instant (col. 8, lines 27-32). This teaches the video recorder recording the television program in the later time. Therefore, it would have been obvious to one ordinary skill in the art a the time of the invention was made to modify the teaching of Lee into Berger because utilizing the video record to search and record the television program would allow the user to view it at the latter time.



Regarding on claim 6, Lee teaches using a selection criterion to select at least one television program from said search results to be recorded (col. 10, lines 10-15).

Regarding on claim 7, Lee teaches selection criterion comprises one of: selecting only those television program that will be shown in a particular time period (col. 15, lines 39-42), selecting only those television programs that are deemed to be the most relevant to a particular topic, selecting all television programs that appear within a search result until the disk space limit of a search capable of video recorder has been reached, selecting television program that may be overwritten by said search capable video recorder, and selecting television programs that may not be over written by said search capable video recorder.

Regarding on claim 8, Lee teaches the search and suggest for recording after the searching; however, Lee does not explicitly teach recording in said search capable video recorder all of the television programs identified in said search results. On the other hand, Berger teaches the video recorder records the television program at the later time when the program is schedule (col. 8, lines 28-31). In addition, Berger also discloses "the recording programming stage 28 is adapted to supply a recording activation signal A1 to the control stage 21 for recording a scheduled television program exactly a the instant at which the schedule television program is received by the video recorder 1 (col. 8, lines 41-46). This teaches all schedule programs are recorded by the video recorder. Therefore, it would have been obvious to one ordinary skill in the art a the time of the invention was made to modify the teaching of Lee into Berger because the video recorder can records all the schedule programs that initially mark by the view to allow the user to view at the later time.

Regarding on claims 9, 15 and 20, Lee teaches key object search is conducted for a predetermined period of time (col. 7, lines 6-7).

Regarding on claims 10, 16 and 21, Lee teaches key object search identifies at least one television program using program identification information (col. 7, lines 5-8).

Regarding on claims 11, 17 and 22, Lee teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key objects used in said key object search (col. 14, lines 10-15).

Regarding on claim 13, Lee teaches a method for searching for television programs comprising the steps of:

- identifying at least one key object in at least one Internet document (col. 14, lines 1-15);

- sending said at least one key object to a search capable video recorder (sending the keywords to the search engine) (col. 5, lines 9-14);

- providing search results of said key object search to a viewer, said search results identifying at least one television program that contains at least one key object (col. 14, lines 15-20); and

- selecting at least one television program that contains at least one key object in response to a viewer instruction (before accessing the user have to select) (col. 14, lines 15-20).

Lee teaches searching for television programs and also suggests for watching and recording. Lee does not explicitly teach conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object; and recording in said search capable video recorder said at least

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one television program selected by said viewer. However, Berger teaches, "the computer 9 then forms a so-called server which is connected to the internet and which stored current television program information API stored on computer 9 can be retrieved by the video recorder 1 via the data link 10 as an information signal I (col. 7, lines 39-42). This teaches the video recorder is retrieved the television program from the computer 9 which is connected to the internet. In addition, Berger also teaches, "the keypad 22 further comprises keys, represented here as a Show-View program key 27, by means of which the recording means 13 can be program method in order to record a television program that can be received at a later instant (col. 8, lines 27-32). This teaches the video recorder recording the television program in the later time. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Lee into Berger because utilizing the video record to search and record the television program would allow the user to view it at the latter time.

Regarding on claim 14, teaches conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder.

Claim 19 is reject under the same reason as claim 13, Lee also teaches placing said plurality of key objects in a list of key objects (col. 9, lines 50-56);

Regarding on claim 24, Lee does not explicitly teach notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer. However, Berger teaches, "immediately after the start of the video recorder 1 the user is notified" (col. 24, lines 11-12). This teaches the user is notified when the video recorder started. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Berger into Lee because utilizing the notification mechanism would allow the user to be notified when the recording is complete its task to let the user to view the requested video or movie.

4. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US. Patent No. 6,463,428) in view of Berger (US. Patent No. 6,400,408) and further in view of Goren (US. RE 37,723 E).

Regarding on claims 12, 18 and 23, Lee and Berger do not explicitly teach search capable video recorder comprises one of: a video recorder with a hard disk memory, a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card. However, Goren teaches, "the device 10 includes a processor 70 coupled to a display 80. In addition, processor 70 is couple to each memory 90 (which include RAM and ROM), a video/audio recorder 85" (col. 2, lines 49-52). This teaches a video recorder with a hard disk memory. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Goren into Lee and Berger because utilizing a video recorder with a hard disk memory would allow the video recorder to record more video.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail: BaoquocN.To@USPTO.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To  
Feb 3, 2003

  
SHAHID AL ALAM  
PATENT EXAMINER